Remarks

This Application has been carefully reviewed in light of the Office Action mailed August 8, 2005 ("*Office Action*"). Claims 1-32 were pending in the application. The Examiner rejects Claims 1-32 and objects to Claims 6, 9, 10, 12-14, 19, 22, and 28. Applicant amends Claims 1, 6, 9, 10, 12-14, 19, 22, 28, 31, and 32. Applicant respectfully requests reconsideration and favorable action in this case.

Claim Objections

The Examiner objects to Claims 6, 9, 10, 12-14, 19, 22, and 28 because of informalities. Applicant has amended Claims 6, 9, 10, 12-14, 19, 22, and 28 to correct typographical errors as suggested by the Examiner.

Section 102 Rejections

A. **Claims 1, 3-6, 8, 10, 12, 14, 16-20, 31, and 32 are patentable over *Gummalla*.**

The Examiner rejects Claims 1, 3-6, 8, 10, 12, 14, 16-20, 31, and 32 under 35 U.S.C. 102(e) as anticipated by U.S. Publication No. 2002/0154655 to Gummalla ("*Gummalla*"). Applicant respectfully traverses this rejection and submits that *Gummalla* does not describe, expressly or inherently, each and every limitation of the claims. Consider Applicant's independent Claim 1, which, as amended, recites:

> A method for managing registration requests from a plurality of devices, the method comprising the following steps performed at a controller:
> receiving a token request from a device;
> determining a registration load on the controller;
> granting a token to the device in response to the registration load, the token authorizing the device to submit a token registration request;
> receiving the token registration request from the device; and
> storing the token registration request in a registration queue upon determining that the device has been granted the token.

Applicant respectfully submits that *Gummalla* fails to teach every element of this claim. Among other aspects, *Gummalla* does not disclose granting a token to a device where the token authorizes the device to submit a token registration request. Secondly, *Gummalla* does not disclose storing the token registration request upon determining that the device has been

granted the token. Also, the exact same process in *Gummalla* cannot anticipate two distinct claim limitations. Finally, the dependent claims include additional patentable limitations.

1. *Gummalla* does not disclose granting a token to a device where the token authorizes the device to submit a token registration request.

Claim 1 requires "granting a token to the device in response to the registration load, the token authorizing the device to submit a token registration request." *Gummalla* fails to teach these claimed aspects. *Gummalla* does not disclose granting a token to a device, where "the token authoriz[es] the device to submit <u>a token registration request</u>," as required by Claim 1. (emphasis added).

Thus, *Gummalla* does not describe, expressly or inherently, all elements of Claim 1. Independent Claims 10, 14, 31, and 32 include limitations that, for substantially similar reasons, are not taught by *Gummalla*. Because *Gummalla* does not disclose, expressly or inherently, every element of independent Claims 1, 10, 14, 31, and 32, Applicant respectfully requests reconsideration and allowance of Claims 1, 10, 14, 31, and 32 and their respective dependent claims.

2. *Gummalla* does not disclose storing the token registration request upon determining that the device has been granted the token.

Additionally, *Gummalla* fails to disclose "storing the token registration request in a registration queue upon determining that the device has been granted the token," as required by Claim 1. As teaching this claim limitation, the *Office Action* points to *Gummalla*, page 4, paragraph 43, lines 7-12 which recites:

> CMTS scheduler 112 stores each bandwidth request in data structure 112. In an embodiment of the present invention, data structure 112 is implemented as one or more queues and CMTS scheduler 112 is implements [sic] as a priority first come first serve scheduler. Data structure 112 as implemented as one or more queues is shown in FIG. 5.

However, *Gummalla* does not disclose "storing the token registration request in a registration queue <u>upon determining that the device has been granted the token</u>," as required by Claim 1. (emphasis added). *Gummalla* makes clear that "CMTS scheduler 112 stores each bandwidth request in data structure 112." *Gummalla* fails to teach that the CMTS scheduler "stores each

bandwidth request" upon any determination, much less upon determining that a device has been granted a token.

Thus, *Gummalla* does not describe, expressly or inherently, "storing the token registration request in a registration queue upon determining that the device has been granted the token," as required by Claim 1. Independent Claims 10, 14, 31, and 32 include limitations that, for substantially similar reasons, are not taught by *Gummalla*. Because *Gummalla* does not disclose, expressly or inherently, every element of independent Claims 1, 10, 14, 31, and 32, Applicant respectfully requests reconsideration and allowance of Claims 1, 10, 14, 31, and 32 and their respective dependent claims.

3. The exact same process in *Gummalla* cannot anticipate two distinct claim limitations.

The *Office Action* cites one process in *Gummalla* as teaching two distinct limitations of Claim 1: "receiving a token request from a device" and "receiving the token registration request from the device." With respect to each, the *Office Action* says that the limitation "is anticipated by CMTS 102 receiving one or more bandwidth requests (token request [or token registration request]) from one or more cable modems 104 (device) as shown in Figure 3 and spoken of on page 3, paragraph 40." However, Claim 1 specifies two separate steps: "receiving a <u>token request</u> from a device" and "receiving the <u>token registration request</u> from the device." (emphasis added). To anticipate a claim, a reference must teach each and every limitation of a claim. M.P.E.P. § 2131. At most, *Gummalla* teaches one of the two distinct limitations.

Because one process in *Gummalla* cannot anticipate two distinct claim limitations, *Gummalla* fails to describe, expressly or inherently, either "receiving a token request from a device" or "receiving a token registration request from the device," where both are required by Claim 1. Additionally, independent Claims 10, 14, 31, and 32 include limitations that, for substantially similar reasons, are not taught by *Gummalla*. Because *Gummalla* does not disclose, expressly or inherently, every element of independent Claims 1, 10, 14, 31, and 32, Applicant respectfully requests reconsideration and allowance of Claims 1, 10, 14, 31, and 32 and their respective dependent claims.

4. The dependent claims include additional patentable limitations.

For example, consider Claim 5, which recites:

> The method of Claim 1, wherein the device comprises a first packet-based telephony device, and further comprising:
>> receiving an initial registration request from a second packet-based telephony device;
>> storing the initial registration request in the registration queue at a lower priority than the token registration request;
>> receiving a priority device registration request from a telephony gateway device; and
>> storing the priority device registration request in the registration queue at a higher priority than the token registration request.

In a repeat of the type of improper analysis discussed above, the *Office Action* cites to a single element of *Gummalla* as teaching multiple distinct elements of Claim 5. Specifically, the *Office Action* points to one element in *Gummalla*, a cable modem, as teaching a first and "second packet-based telephony device" and "a telephony gateway device." (*Office Action*, page 5). The single element of *Gummalla* cannot, however, anticipate the multiple distinct elements of Claim 5.

Therefore, *Gummalla* fails to describe, expressly or inherently, all limitations of Claim 5. While not expressly discussed, other dependent claims provide further patentable limitations. Applicant respectfully requests reconsideration of these limitations and allowance of the claims.

B. Claims 22 and 28-30 are patentable over *Buchholz*.

The Examiner rejects Claims 22 and 28-30 under 35 U.S.C. 102(e) as anticipated by U.S. Patent No. 5,493,569 to Buchholz ("*Buchholz*"). Applicant respectfully traverses this rejection and submits that *Buchholz* does not describe, expressly or inherently, each and every limitation of the claims. As amended, Applicant's independent Claim 22 recites:

> A method for registering with a controller, the method comprising the following steps performed at a device:
>> communicating a token request to the controller;
>> receiving a token from the controller in response to the token request, the token authorizing the device to submit a token registration request;
>> communicating the token registration request to the controller, the token registration request indicating that the device has received the token from the controller; and

receiving a registration acknowledgment from the controller in response to the token registration request.

Applicant respectfully submits that *Buchholz* fails to teach every element of this claim.

Among other aspects, *Buchholz* fails to disclose "communicating the token registration request to the controller" and "receiving a registration acknowledgment from the controller in response to the token registration request," as required by Claim 22. As teaching the token registration request, the *Office Action* points to the transmission of data by the user module (UM 112) after receiving a grant from the control module (CM 110), which is described in *Buchholz*, column 8, lines 52-56 and Figure 7, item 722. Applicant respectfully submits that transmitting data does not disclose a "token registration request." Further, *Buchholz* does not disclose "receiving a registration acknowledgment from the controller in response to the token registration request," as required by Claim 22, as amended (emphasis added).

Thus, *Buchholz* does not describe, expressly or inherently, "communicating the token registration request to the controller" and "receiving a registration acknowledgment from the controller in response to the token registration request," as required by Claim 22. Because *Buchholz* does not disclose, expressly or inherently, every element of independent Claim 22, Applicant respectfully requests reconsideration and allowance of Claim 22 and its respective dependent claims.

Section 103 Rejections

A.   ***Gummalla, Mahalingaiah,* and *Buchholz,* whether taken alone or in combination, fail to teach or suggest all limitations of dependent Claims 2, 7, 9, 11, 13, 15, and 21.**

The Examiner rejects Claims 2 and 15 under 35 U.S.C. 103(a) as unpatentable over *Gummalla* in view of U.S. Patent No. 6,654,346 to Mahalingaiah et al. ("*Mahalingaiah*") and Claims 7, 9, 11, 13, and 21 under 35 U.S.C. 103(a) as unpatentable over *Gummalla* in view of *Buchholz*.

As described above, Applicant has shown that *Gummalla* fails to disclose all limitations of independent Claims 1, 10, and 14. Accordingly, *Gummalla* fails to teach or suggest all limitations of Claims 2, 7, 9, 11, 13, 15, and 21 because these dependent claims

incorporate the limitations of their respective independent claims. *Mahalingaiah* and *Buchholz* fail to remedy the deficiencies of *Gummalla*.

Thus, *Gummalla*, *Mahalingaiah*, and *Buchholz*, whether taken alone or in combination, fail to teach or suggest all limitations of Claims 2, 7, 9, 11, 13, 15, and 21. Because the references fail to teach all limitations of the claims, Applicant respectfully requests reconsideration and allowance of Claims 2, 7, 9, 11, 13, 15, and 21.

B.   *Buchholz*, *Lu*, *Mahalingaiah*, and *Wang*, whether taken alone or in combination, fail to teach or suggest all limitations of dependent Claims 23-27.

The Examiner rejects: Claims 23 and 25 under 35 U.S.C. 103(a) as unpatentable over *Buchholz* in view of U.S. Publication No. 2002/0194345 to Lu et al. (*"Lu"*); Claim 24 under 35 U.S.C. 103(a) as unpatentable over *Buchholz* in view of *Mahalingaiah*; and Claims 26 and 27 under 35 U.S.C. 103(a) as unpatentable over *Buchholz* in view of U.S. Patent No. 6,826,160 to Wang et al. (*"Wang"*).

As described above, Applicant has shown that *Buchholz* fails to disclose all limitations of independent Claim 22. Accordingly, *Buchholz* fails to teach or suggest all limitations of Claims 23-27 because these dependent claims incorporate the limitations of independent Claim 22. *Lu*, *Mahalingaiah*, and *Wang* fail to remedy the deficiencies of *Buchholz*.

Thus, *Buchholz*, *Lu*, *Mahalingaiah*, and *Wang*, whether taken alone or in combination, fail to teach or suggest all limitations of Claims 23-27. Because the references fail to teach all limitations of the claims, Applicant respectfully requests reconsideration and allowance of Claims 23-27.

Conclusion

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Kurt M. Pankratz, Attorney for Applicant, at the Examiner's convenience at (214) 953-6584.

Although no fees are believed due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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